

Exhibit A

IN THE STATE COURT OF GWINNETT COUNTY
STATE OF GEORGIA

GEORGE WESLEY MORGAN
and PEGGY KATHRYNE MORGAN,

Plaintiffs,

v.

BELK, INC. (DE),

Defendant.

CIVIL ACTION FILE

NO. **21-C-05618-S5**

JURY TRIAL DEMANDED

SUMMONS

TO THE ABOVE-NAMED DEFENDANTS:

You are hereby summoned and required to file with the Clerk of said court and serve upon the Plaintiff's attorney, whose name and address is:

Lance T. McCoy
The McCoy Law Firm
775 West Avenue, Suite E
Cartersville, Georgia 30120

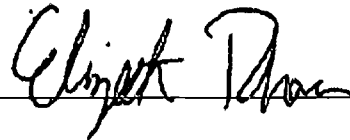
an answer to the Complaint which is herewith served upon you, within thirty (30) days after service of this Summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in this Complaint.

This the **29TH** day of July, 2021.

TIANA P. GARNER

Clerk/Deputy Clerk of Superior Court

By: _____



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COMPLAINT

COME NOW Plaintiffs George Wesley and Peggy Kathryne Morgan, and respectfully show this Honorable Court the following:

1.

Plaintiffs George Wesley and Peggy Kathryne Morgan reside in Euahlee, Bartow County, Georgia.

2.

Defendant Belk, Inc. (DE) ("hereinafter Defendant Belk") is a foreign corporation registered to do business in the State of Georgia. Defendant Belk may be served with a copy of the Complaint and Summons by and through its registered agent, to wit: National Registered Agents, Inc., 289 S. Culver Street, Lawrenceville, Georgia, 30046-4805. Therefore, Defendant Belk is subject to the venue and jurisdiction of this Court.

**COUNT I
NEGLIGENCE**

3.

Defendant Belk owns and operates a business establishment, open to the general public, located at 600 Cherokee Place, Cartersville, Georgia, 30121.

4.

On or about August 20, 2019, Plaintiff George Wesley Morgan, an invitee, was shopping at said Belk store.

5.

Plaintiff Morgan was walking down a men's department aisle in a safe and prudent manner and was browsing the display for potential purchases.

6.

Unbeknownst to Plaintiff George Morgan, as he rounded the corner of the neighboring aisle, a cargo pallet cart sat in the walkway, sitting directly on the floor in an improbable position.

7.

Plaintiff George Morgan tripped on the pallet, and fell face first onto the floor, suffering numerous serious injuries.

8.

Said cargo pallet cart was not observable at eye level.

9.

Plaintiff Morgan did not see the cargo pallet cart prior to his fall, nor could he have been reasonably expected to see the cargo pallet cart given its position.

10.

The cargo pallet cart was negligently left in the walkway of this particular aisle.

11.

The cargo pallet cart, which tripped Plaintiff George Morgan is used to transport products throughout the store.

12.

Defendant Belk had superior knowledge to that of Plaintiff George Wesley Morgan of the existence of the cargo pallet carts in the subject store.

13.

The purpose of the cargo pallet carts is to simplify the transportation process within the store.

14.

Although the cargo pallet cart simplified Defendant Belk's transporting process, the abandoned and unmarked cargo pallet cart endangered Plaintiff George Wesley Morgan and Defendant Belk's invitees.

15.

Defendant Belk negligently breached its duty to maintain its premises in a safe fashion.

16.

Plaintiff George Wesley Morgan hit the floor with such an impact that he suffered serious and permanent injuries which included a pelvic fracture, labral tear, lumbar disc herniation, and a cervical disc herniation.

17.

Plaintiff George Wesley Morgan's injuries required multiple hospitalizations and surgeries.

18.

To date, Plaintiff George Wesley Morgan's medical expense for surgeries, hospitalizations and other medical treatment for injuries sustained in his fall at the Belk store has exceeded \$245,000.

19.

Plaintiff George Wesley Morgan's injuries were caused directly and proximately by the negligence of Defendant Belk.

20.

Defendant Belk is indebted to Plaintiff George Wesley Morgan in an amount to be shown by the evidence at trial for his past medical expense, future medical expense, permanent disability, as well as past and future pain and suffering.

COUNT II
LOSS OF CONSORTIUM

21.

Plaintiff Peggy Kathryne Morgan hereby incorporates the allegations of Paragraphs 1 through 20 of the Complaint as if set forth in their entirety.

22.

At all times material to this action, Plaintiffs George and Peggy Morgan were married and living together as husband and wife.

23.

As a direct and proximate result of the negligence of Defendant Belk, as aforesaid, Plaintiff Peggy Morgan has been deprived of the society, services and affections of her husband, George Wesley Morgan.

24.

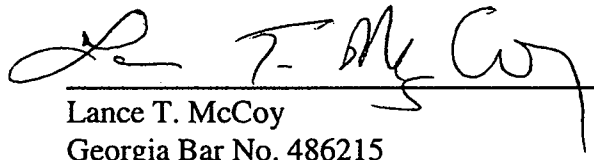
Plaintiff Peggy Morgan hereby makes a claim for damages against Defendant Belk for her loss of consortium in an amount to be determined at trial.

WHEREFORE, Plaintiffs pray:

(a) That the summons issue requiring Defendant Belk to be and appear in this Court within the time provided by law to answer this Complaint;

- (b) That Plaintiffs be afforded a trial by jury;
- (c) That Plaintiffs have judgment against Defendant for a just and equitable sum that will fairly and adequately compensate them for the losses and damages they have sustained and will sustain, plus interest as provided by law and costs of Court; and
- (d) For such other and further relief as the Court deems just and proper.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Lance T. McCoy", is written over a horizontal line.

Lance T. McCoy
Georgia Bar No. 486215
Attorney for Plaintiff

The McCoy Law Firm, LLC
775 West Avenue, Suite E
Cartersville, Georgia 30120
770.382.0984 Phone
770.382.3679 Fax